



TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

MAR 14 2005

In re Application of
Charles L. Sawyer et al.
Application No. 10/067,705
Filed: February 4, 2002
Attorney Docket No. 02307K-141317US
Title: PURIFIED HUMAN PROSTATE
CANCER CELLS

OFFICE OF PETITIONS

DECISION ON PETITION
UNDER § 1.183

This is a decision on the petition, filed February 28, 2005 (certificate of mail dated February 23, 2005) under 37 CFR § 1.183 for acceptance of a supplemental declaration without the signatures of all inventors as required by § 1.67.¹

The petition is **GRANTED**.

The supplemental declarations filed February 28, 2005, are signed, in combination, by joint inventors Sawyers, Witte and Reiter. The supplemental declarations identify inventor Klein by name, address and citizenship; however, the declaration is not signed by inventor Klein. All of the joint inventors, including Klein, signed the original declaration for patent filed in this application, pursuant to § 1.63(d).

Petitioners assert that in a telephone conversation between joint inventor Klein and Applicant's agent on November 18, 2003, Ms. Klein confirmed her address. It is further asserted and shown with a copy, that a letter was sent to Ms. Klein at her last known address on July 29, 2004 with a copy of the corrected declaration. Petitioners assert that Ms. Klein has not responded with an executed supplemental oath or declaration, in spite of their diligent efforts to have her do so. Additionally, the statements made by the attorney of record have been reviewed and found adequate to make sufficient petitioner's showing that waiver of the requirement for inventor Klein's signature on the supplemental declaration is warranted. The petition includes the petition fee and a statement of the last known address of inventor Klein.

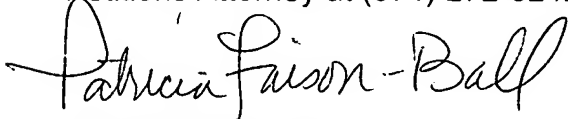
The supplemental declaration has been reviewed and found in compliance with § 1.67.

¹ The supplemental declaration was a requirement set out in a non-Final Office Action mailed August 23, 2004 and was submitted with a request for a three month extension of time.

In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by all of the joint inventors is appropriate.

This matter is being referred back to Technology Center 1632 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions